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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,878	01/04/2001	Masayuki Matsuda	16869N019300	4088

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EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 05/13/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,878

Applicant(s)

MATSUDA ET AL.

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) 4-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In view of the arguments filed on 4/5/04, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant's arguments with respect to claims 1, 9, 16 and 19, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 8, 16 and 19, are rejected under 35 U.S.C. 102(e) as being anticipated by Yamaki et al. (US Pub. 2003/0110928).

Regarding claims 1, 8, 16 and 19, Yakami et al. disclose a portable mobile unit capable of alerting on incoming of a signal by a ringing sound, comprising:

a ringing sound generator (see 21, fig.6) having a plurality of sound sources therewith (see par.005-006);

a mixer for mixing a plurality of said sound sources (see par.0026, 0035-0036)

a controller (12, fig.6) for controlling operations of said portable mobile unit,

wherein

said controller controls said ringing sound generator so as to generate the ringing sound at least two of said sound sources when the signal comes in (see par.0026, 0035-0036).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 9-10 and 17-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yakami et al. in view Muramatsu and further in view of Hayato (US Patent 6,175,721).

Regarding claims 2, 9-10 and 17-18, Yakami et al. disclose everything as claim 1 above. Yakami et al. disclose a memory (see 14, fig.6)) for storing a plurality of sound data (see par.036-037).

Yakami et al. fail to disclose "based on the predetermined conditions", "a time zone which is set up in advance", a reproduction timing memory for storing reproduction timings for selection of the sound to be reproduced.

Muramatsu discloses "based on the predetermined conditions", "a time zone which is set up in advance" (see par.0046-0055). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Yakami et al. with the above teaching of Muramatsu in order to enable the user to recognize who has made a call.

Hayato discloses a reproduction timing memory for storing reproduction timings for selection of the sound to be reproduced (see fig.2a,b,c,d). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the Yakami et al., Muramatsu with the above teaching of Hayato in order to provide a selected ringing sound pattern within a control of time set from user's convenience usage.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yakami, in view of Muramatsu, in view of Hayato and further in view of Yoshino (US Patent 6,308,086).

Regarding claim 3, the modified Yakami et al. fail to disclose sound data contains sound data of wave-form coding method, in which quantization width is set up depending upon a level of amplitude, and sound data of an analytic composition coding method, in which the signal is modeled so as to be coded.

Yoshino discloses sound data contains sound data of wave-form coding method, in which quantization width is set up depending upon a level of amplitude, and sound data of an analytic composition coding method, in which the signal is modeled so as to be coded (see col.1 line 5 through col.2 line 63). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Yakami et al. with the above teaching Yoshino in order to enable the user to set melody ringing tone when the cellular phone receives an incoming call.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yakami et al. in view of Hoashi et al. (US Patent 5,870,684).

Regarding claim 11, Yakami et al. fail to disclose a counter for counting number of times of incoming calls wherein predetermined condition is that said number of times of incoming calls within a range of number of times which is set up in advance.

Hoashi et al. disclose a counter for counting number of times of incoming calls wherein predetermined condition is that said number of times of incoming calls in absence within a range of number of times which is set up in advance (see col.3 line 59 through col.4 line 35). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Yakami

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et al. with the above teaching Hoashi et al. in order to change the pattern of the alert tone.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yakami et al., in view of Kraft et al. (US Patent 6,463,278) and further in view of Motegi (US Patent RE37,281).

Regarding claim 12, Yakami et al. fail to disclose remaining battery capacity detector for detecting remaining battery capacity of the portable mobile unit.

Kraft et al. disclose receiving incoming calls in response predetermined user mode selection (see col.5 lines 9-19).

Motegi discloses remaining battery capacity detector for detecting remaining battery capacity of the portable mobile unit (see col.1 lines 50-65). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Yakami et al. with the above teaching of Kraft et al. and Motegi in order to alert mobile user when there is incoming call by producing different ringing pattern in response user predetermined setting associated with detection of battery life.

10. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yakami et al. in view of Kraft et al (6,463,278).

Regarding claims 13-14, Yakami et al. fail to disclose a sound detector for detecting condition of sounds, wherein said predetermined condition is that an

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environmental sound of said portable mobile unit is contained within a condition of sound which is set up in advance, when said signal comes in advance.

Karft et al. disclose a sound detector for detecting condition of sounds, wherein said predetermined condition is that an environmental sound of said portable mobile unit is contained within a condition of sound which is set up in advance, when said signal comes in advance (see col.3 lines 52-67 and col.10 lines 56-59). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the Yakami et al. with the above teaching of Kraft in order to provide higher ringing volume levels in noisy environment.

11. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yakami et al., in view of Cobb (US Patent 5,771,001).

Regarding claim 15, Yakami et al. fail to disclose a heat sensor and a pressure sensor.

Cobb discloses a heat sensor (69) and a pressure sensor (68). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Yakami et al. with the above teaching of Cobb in order to alert mobile user when there is incoming call by producing different ringing pattern in response user predetermined setting associated with temperature and blood pressure detection.

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Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

May 3, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER